House File 213 - Introduced

HOUSE FILE 213
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 37)

A BILL FOR

- 1 An Act relating to the transmission of court records by the
- 2 clerk of the district court to the clerk of the supreme
- 3 court in an appeal.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. <u>NEW SECTION</u>. **602.8103A Transmission of record** 2 on appeal.
- 3 l. a. The clerk of the district court shall be solely
- 4 responsible for transmitting the record on appeal to the
- 5 clerk of the supreme court in civil and criminal proceedings.
- 6 The clerk of the district court shall only transmit the
- 7 record to the clerk of the supreme court upon the request
- 8 of the appellee, appellant, the attorney for the appellee or
- 9 appellant, or the appellate court.
- 10 b. The requirements of paragraph "a" shall not be delegated
- 11 to another party. The appellee, appellant, the attorney for
- 12 the appellee or appellant, or any agent of the appellee or
- 13 appellant shall not transmit any part of the appellate record
- 14 to the clerk of the supreme court.
- 2. For purposes of this section, the "record on appeal"
- 16 consists of the original documents and exhibits filed in
- 17 district court, transcripts of the proceedings, and a certified
- 18 copy of the docket and court calendar entries prepared by
- 19 the clerk of the district court in the case under appeal.
- 20 Exhibits of unusual size or bulk are not required to be
- 21 transmitted by the clerk of the district court unless requested
- 22 by the appellee, appellant, the attorney for the appellee or
- 23 appellant, or the appellate court.
- 3. If a request is made pursuant to subsection 1, within
- 25 seven days of the filing of the final briefs in the appeal, the
- 26 clerk of the district court shall transmit any of the remaining
- 27 record to the clerk of the supreme court.
- 28 Sec. 2. REPEAL. Section 625A.7, Code 2013, is repealed.
- 29 EXPLANATION
- 30 This bill relates to the transmission of court records by the
- 31 clerk of the district court to the clerk of the supreme court
- 32 in an appeal.
- 33 The bill specifies that the clerk of the district court shall
- 34 be solely responsible for transmitting the record on appeal to
- 35 the clerk of the supreme court. The bill requires the clerk of

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- 1 the district court to only transmit the record to the clerk of
- 2 the supreme court upon the request of the appellee, appellant,
- 3 the attorney for the appellee or appellant, or the appellate 4 court.
- 5 The bill specifies the record on appeal shall consist of
- 6 the original documents and exhibits filed in district court,
- 7 transcripts of the proceedings, and a certified copy of the
- 8 docket and court calendar entries prepared by the clerk of the
- 9 district court in the case under appeal.
- 10 Under the bill, exhibits of unusual size or bulk are not
- ll required to be transmitted by the clerk of the district court
- 12 unless requested by the appellee, appellant, the attorney for
- 13 the appellee or appellant, or the appellate court.
- 14 The bill also requires that the clerk of the district court
- 15 transmit any of the remaining record to the clerk of the
- 16 supreme court within seven days after the final briefs have
- 17 been filed in the appeal.